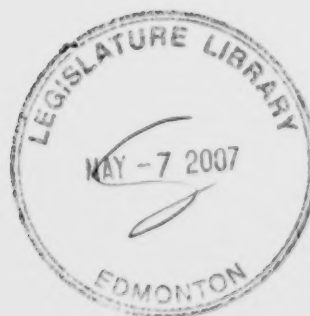


Public Health Appeal Board

Annual Report 2006



Alberta

For further information

For additional copies of this document or further information contact:

Alberta Health and Wellness
Public Health Appeal Board
24th Floor, 10025 Jasper Avenue
Edmonton, Alberta T5J 1S6
(780) 427 2813

*You can find this document on the Alberta Health and Wellness website –
www.health.gov.ab.ca*

ISSN 1495-5040
ISSN 1710-1816; PDF version

ALBERTA
HEALTH SERVICES
Office of the Minister

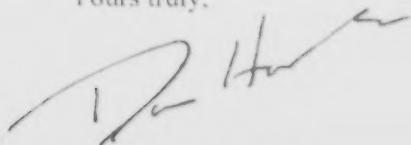
April 2007

The Honourable Ken Kowalski, M.L.A.
Speaker of the Legislative Assembly
325 Legislature Building
Edmonton, Alberta
T5K 2B6

Dear Mr. Speaker:

I have the honour to present the annual report of the Public Health Appeal Board for the year January 1 to December 31, 2006.

Yours truly,



Dave Hancock, Q.C.
Minister



HEALTH AND WELLNESS

PUBLIC HEALTH APPEAL BOARD

24th Fl. Telus Plaza North Tower
10025 Jasper Avenue
Edmonton, Alberta
Canada T5J 1S6

Tel: (780) 427-2813
Fax: (780) 422-0914

April 2007

The Honourable Dave Hancock, Q.C.
Minister of Health and Wellness
224 Legislature Building
Edmonton, Alberta
T5K 2B6

Dear Minister Hancock:

I have the honour and privilege to present the annual report of the Public Health Appeal Board for the year January 1 to December 31, 2006.

Respectfully submitted,

A handwritten signature in cursive script, reading "William J. Love".

William J. Love, Chairman
Public Health Appeal Board

Table of Contents

Public Health Appeal Board members	2
Background	3
Duties	3
Appeal applications, hearings, dispositions.....	4
Appeal activities and summaries	5
Other activities	14

Public Health Appeal Board Members

William Love - Calgary

Chair

Mr. Love is an independent insurance broker and consultant. A past chair of the Board of Examiners for Certified Dental Mechanics (1993 – 2002), Bill volunteers for church and community organizations.

Sharon Cox - High Prairie

Vice-chair

Ms. Cox runs a mixed farming operation with her children and is a former registered nursing assistant. She is a past chairperson for the Keeweenaw Lakes regional health authority (1994 – 2001) and enjoys volunteering for various community groups.

William (Bill) Steinburg - Spruce Grove

Alternate Vice-chair

Mr. Steinburg is currently serving his third term as alderman for the city of Spruce Grove and has held position of mayor for one term. Bill is a health care consultant and holds a degree of Bachelor of Health Services Administration. He is semi retired as Manager of Medical Imaging with a background in finance administration and capital projects.

Lillian Douglass – Edmonton

Ms. Douglass is Adjunct Associate Professor at the University of Alberta (U of A) and has been Associate Dean and/or Associate Professor for about 10 years. She has served on a number of boards at the provincial, national, and international levels. Her varied professional pursuits have taken her to areas in Africa and Southeast Asia to assist with mounting undergraduate and graduate nursing education programs. Lillian is a recipient of the Alberta Centennial Medal.

Kenneth Hodgins - Fort Saskatchewan

Mr. Hodgins is executive director of Fort Saskatchewan Chamber of Commerce. Ken served three terms as alderman on City Council in Fort Saskatchewan as well as serving three terms as mayor. He was owner/operator of Men's Wear retail store for 35 years. Ken has been active on numerous community organizations.

Background

The Public Health Appeal Board (the Board) was established February 03, 1999 under the amended *Alberta Public Health Act*. The Public Health Appeal Board replaced the former Public Health Advisory and Appeal Board established in 1985.

The Board is subject to general rules of administrative law and natural justice as they apply to quasi-judicial tribunals.

Donald R. Cranston, Q.C., of the law firm Bennett Jones LLP provides the Board with independent legal counsel.

Duties

The Public Health Appeal Board is a panel of not more than five members appointed by the Lieutenant Governor in Council. The mandate of the Public Health Appeal Board is to hear appeals from individuals who have been directly affected by a decision of a regional health authority (RHA). Those decisions are related primarily to orders made pursuant to section 62 of the *Public Health Act*.

The Board may call upon technical experts and professionals to assist and provide them with specific knowledge in areas related to the appeal. At the completion of the appeal, the Board gives written notice of their decision. This may:

- confirm, reverse or vary the decision of the RHA or
- refer the matter back to the RHA for further consideration.

**Public Health Appeal Board
Annual Report 2006**

2006 APPEAL APPLICATIONS – HEARING – DISPOSITIONS

Regional Health Authority	Appeal Applications	Date of Appeal mm/dd/yyyy	Appeal Withdrawn	Decision	Comments
Chinook Regional Health Authority	Nil	n/a	n/a	n/a	n/a
Palliser Health Region	Nil	n/a	n/a	n/a	n/a
Calgary Health Region	10/2006	05/12/2006		Varied	CHR expedite approval of water system
	12/2006	06/07/2006	Withdrawn		
	15/2006	06/21/2006		Varied	Owner to pursue completion of repairs
	16/2006	06/30/2006	Withdrawn		
	25/2006	09/23/2006		File closed	Appellant moved from premises
	26/2006	11/09/2006		Varied	Not required to have licensed contractors
David Thompson Regional Health Authority	20/2006	08/04/2006		Adjourned	Adjourned indefinitely
East Central Health	Nil	n/a	n/a	n/a	n/a
Capital Health	01/2006	01/26/2006		Upheld	
	02/2006	01/26/2006		Upheld	
	03/2006	01/26/2006		Upheld	
	04/2006	02/08/2006		Varied	Extension of time to vacate premises
	05/2006	02/08/2006		Varied	Extension of time to vacate premises
	06/2006	03/16/2006		Varied	Extension of time to vacate premises
	07/2006	03/16/2006		Varied	Extension of time to vacate premises
	08/2006	04/24/2006	Withdrawn		
	09/2006	05/16/2006	Withdrawn		
	11/2006	05/30/2006	Withdrawn		
	13/2006	06/19/2006		Upheld	
	14/2006	06/19/2006		Varied	Qualified contractor not required
	18/2006	07/28/2006		Upheld	
	19/2006	08/03/2006		Adjourned	Adjourned indefinitely
	21/2006	08/28/2006		Varied	Extension of time to vacate premises
	22/2006	08/29/2006		Varied	Extension of time to vacate premises
	23/2006	08/26/2006		Varied	Extension of time to vacate premises
	24/2006	08/20/2006		Upheld	
	27/2006	11/17/2006		Upheld	
Aspen Regional Health Authority	17/2006	07/14/2006		Upheld	Denied application for waiver
Peace Country Health	Nil	n/a	n/a	n/a	n/a
Northern Lights Health Region	Nil	n/a	n/a	n/a	n/a

Appeal Activities and Summaries

The following is a summary of all appeals or applications received and/or heard by the Public Health Appeal Board from January 01, 2006 to December 31, 2006:

01/2006

Orders issued by Executive Officer of Capital Health

Appeal of two orders under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation and requiring the occupants to vacate the premises.

Hearing held February 28, 2006 concurrent with Appeal #02/2006 and Appeal #03/2006

The Board upheld the orders. The premises are to remain vacant until the appellant corrects the conditions identified in the orders to the satisfaction of an executive officer of Capital Health.

02/2006

Orders issued by Executive Officer of Capital Health

Appeal of four orders under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation and requiring the occupants to vacate the premises.

Hearing held February 28, 2006 concurrent with Appeal #01/2006 and Appeal #03/2006

The Board upheld the orders. The premises are to remain vacant until the appellant corrects the conditions identified in the orders to the satisfaction of an executive officer of Capital Health.

**Public Health Appeal Board
Annual Report 2006**

03/2006

Orders issued by Executive Officer of Capital Health

Appeal of two orders under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation and requiring the occupants to vacate the premises.

Hearing held February 28, 2006 concurrent with Appeal #01/2006 and Appeal #02/2006

The Board upheld the orders. The premises are to remain vacant until the appellant corrects the conditions identified in the orders to the satisfaction of an executive officer of Capital Health.

04/2006

Order issued by Executive Officer of Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation and requiring the occupant to vacate the premises.

Hearing held March 9, 2006 concurrent with Appeal # 05/2006

The Board varied the order extending the date by which the appellant is required to vacate the premises.

05/2006

Order issued by Executive Officer of Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation and requiring the occupant to vacate the premises.

Hearing held March 9, 2006 concurrent with Appeal # 04/2006

The Board varied the order extending the date by which the appellant is required to vacate the premises.

Public Health Appeal Board
Annual Report 2006

06/2006

Orders issued by Executive Officer of Capital Health

Appeal of two orders under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the occupants to vacate the premises.

Hearing held April 27, 2006 concurrent with Appeal 07/2006

The Board upheld the Unfit for Human Habitation order but varied the Order to Vacate by extending the date that the appellant is required to vacate the premises.

07/2006

Orders issued by Executive Officer of Capital Health

Appeal of two orders under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the occupants to vacate the premises.

Hearing held April 27, 2006 concurrent with Appeal 06/2006

The Board upheld the Unfit for Human Habitation order but varied the Order to Vacate by extending the date that the appellant is required to vacate the premises.

08/2006

Order issued by Executive Officer of Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to conduct an investigation into the water infiltration and stability of the soil as crawl spaces are showing signs of water infiltration.

The appellant withdrew the appeal.

09/2006

Order issued by Executive Officer of Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the occupants to vacate the premises.

The appellant withdrew the appeal.

10/2006

Order issued by Executive Officer of Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, requiring the operator to correct the condition of the water wells used for public consumption at the food establishment.

Hearing held June 13, 2006

The Board varied the order. Calgary Health Region is to make its best efforts to expedite Alberta Environment's approval of any proposed water system of the appellant.

11/2006

Order issued by Executive Officer of Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to correct heating and water facilities of the premises.

The appellant withdrew the appeal.

12/2006

Order issued by Executive Officer of Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to correct the well water distribution system used at the meat processing plant.

The appellant withdrew the appeal.

13/2006

Orders issued by Executive Officer of Capital Health

Appeal of two orders under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the occupants to vacate the premises.

Hearing held June 29, 2006 concurrent with Appeal 14/2006

The Board upheld the orders. The premises are to remain vacant until the appellant corrects the conditions identified in the orders to the satisfaction of an executive officer of Capital Health.

14/2006

Order issued by Executive Officer of Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to correct various housing conditions identified in the order before permitting further occupancy of the premises.

Hearing held June 29, 2006 concurrent with Appeal 13/2006

The Board varied the order. The requirement for the appellant to have a qualified contractor inspect the premises for the plumbing system is removed.

15/2006

Order issued by Executive Officer of Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to repair a number of conditions by a specified date and the premises to remain vacant until the conditions identified in the order are corrected to the satisfaction of an executive officer of Calgary Health Region.

Hearing held July 19, 2006

The Board varied the order. The owner is to pursue the completion of various repairs to the building and ensure remediation of all mould contamination in the premises is cleaned in a proper manner before permitting further occupancy of the premises.

16/2006

Order issued by Executive Officer of Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to correct a number of conditions such as food sanitization, temperatures of food and training requirements of staff at the food establishment. These conditions must be completed by a specified date to the satisfaction of an executive officer of the Calgary Health Region.

The appellant withdrew the appeal.

17/2006

**Waiver application issued by Executive Officer of Aspen
Regional Health Authority**

Appeal of a waiver application decision under Section 62 of the *Public Health Act*, requiring the owner not to have the well located within 450 metres of the landfill site as stated in Section 15 of the *Nuisance and General Sanitation Regulation*.

Hearing held October 13, 2006

The Board denied the application for a waiver of section 15 of the *Nuisance and General Sanitation Regulation*.

18/2006

Orders issued by Executive Officer of Capital Health

Appeal of two orders under Section 62 of the *Public Health Act* declaring the premises unfit for human habitation and requiring the occupants to vacate the premises.

Hearing held September 6, 2006

The Board upheld the orders issued by the executive officer of Capital Health. The premises are to remain vacant until the appellant corrects the conditions identified in the orders to the satisfaction of an executive officer of Capital Health.

19/2006

Order issued by Executive Officer of Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to complete a number of deficiencies of the premises by a specified date.

Hearing held September 13, 2006

This matter was adjourned indefinitely with the consent of all parties at the hearing held September 13, 2006. The parties have leave to come back before the Board on an agreeable date for a determination of the issues on appeal.

Public Health Appeal Board
Annual Report 2006

20/2006

**Order issued by Executive Officer of David Thompson
Health Region**

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to provide washrooms accessible to the public and to operate and maintain the public washrooms in a sanitary manner.

This matter was adjourned indefinitely with the consent of all parties on September 13, 2006. The parties have leave to come back before the Board on an agreeable date for a determination of the issues on appeal.

21/2006

Orders issued by Executive Officer of Capital Health

Appeal of two orders under Section 62 of the *Public Health Act* declaring the premises unfit for human habitation and requiring the occupants to vacate the premises.

***Hearing held September 5, 2006 concurrent with Appeals 22/2006 and
23/2006***

The Board varied the orders. The tenants were provided with an extension on the date to vacate the premises. The owners are not to rent further units and to take steps to ensure the premises complies with the *Minimum Housing and Health Standards*.

22/2006

Orders issued by Executive Officer of Capital Health

Appeal of two orders under Section 62 of the *Public Health Act* declaring the premises unfit for human habitation and requiring the occupants to vacate the premises.

***Hearing held September 5, 2006 concurrent with Appeals 21/2006 and
23/2006***

The Board varied the orders. The tenants were provided with an extension on the date to vacate the premises. The owners are not to rent further units and to take steps to ensure the premises complies with the *Minimum Housing and Health Standards*.

Public Health Appeal Board Annual Report 2006

23/2006

Orders issued by Executive Officer of Capital Health

Appeal of two orders under Section 62 of the *Public Health Act* declaring the premises unfit for human habitation and requiring the occupants to vacate the premises.

Hearing held September 5, 2006 concurrent with Appeals 21/2006 and 22/2006

The Board varied the orders. The tenants were provided with an extension on the date to vacate the premises. The owners are not to rent further units and to take steps to ensure the premises complies with the *Minimum Housing and Health Standards*.

24/2006

Orders issued by Executive Officer of Capital Health

Appeal of two orders under Section 62 of the *Public Health Act* declaring the premises unfit for human habitation and requiring the occupants to vacate the premises.

Hearing held September 26, 2006

The Board upheld the orders. The premises are to remain vacant until the appellant corrects the conditions identified in the orders to the satisfaction of an executive officer of Capital Health.

25/2006

Orders issued by Executive Officer of Calgary Health Region

Appeal of two orders under Section 62 of the *Public Health Act*, requiring the occupants to vacate the premises.

The appellant submitted a Notice of Appeal but did not proceed with the appeal. The file was closed.

**Public Health Appeal Board
Annual Report 2006**

26/2006

**Order issued by Executive Officer of Calgary Health
Region**

Appeal of the order under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the occupants to vacate the premises. The owners are not to rent further units until work is completed to the satisfaction of an executive officer of the Calgary Health Region.

Hearing held November 29, 2006

The Board varied the order. Permission to enter the Property is required but not necessarily in writing and must wear personal protective equipment when seeking entry to the premises. It is not necessary for the appellant to obtain licensed contractors, licensed mould remediation specialists or licensed furnace contractor.

27/2006

Orders issued by Executive Officer of Capital Health

Appeal of two orders under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the occupants to vacate the premises.

Hearing held December 8, 2006

The Board upheld the orders. The premises are to remain vacant until the appellant corrects the conditions identified in the orders to the satisfaction of an executive officer of Capital Health.

Other Activities

Board members attended educational courses provided through The Foundation of Administrative Justice. These courses provide a valuable overview of essential practices and components of conducting Public Health Appeal Board hearings. Attending courses of this nature are essential to ensuring fairness and credibility in decision making.



